



Q2 6. (Amended) A plant which has been stably transformed with the [DNA construct] expression cassette of claim [4]3.

Q3 9. (Amended) A plant having stably incorporated in its genome [a DNA construct] an expression cassette, said [construct] expression cassette comprising a promoter having the sequence [of] set forth in SEQ ID NO: 1 operably linked to a polynucleotide.

Claim 16, please delete "Seed", and insert --Transformed seed-- therefor.

Q4 17. (Amended) A plant cell having stably incorporated in its genome [a DNA construct], an expression cassette, said [construct] expression cassette comprising a promoter having the sequence [of] set forth in SEQ ID NO: 1 operably linked to a polynucleotide.

Please add the following new claim:

Q5 --24. An isolated nucleotide sequence comprising a promoter sequence that drives expression of a gene in a plant cell, wherein said promoter sequence hybridizes under stringent conditions to the complement of the sequence set forth in SEQ ID NO:1.--

REMARKS

Oath/Declaration

The Office Action states that the oath or declaration is defective for having non-initialed and/or non-dated alterations. The Office Action states that a new oath or declaration in compliance with 37 CFR 1.67(a) is required.

Applicants concurrently submit herewith, a new oath or declaration in compliance with 37 CFR 1.67(a). Accordingly, Applicants submit that this defect is obviated.